

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: Not Yet Assigned

Filing Date: May 16, 2001

For: METHOD AND APPARATUS FOR
SELLING AN AGING FOOD PRODUCT

) Examiner: Not Yet Assigned

) Group Art Unit: Not Yet Assigned

) Attorney Docket No: 01-015

) Customer No.: 22927



Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____
_____.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
5. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of

Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.

7. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
- c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

- [] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;

☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.

9. ☐ I hereby certify:

☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☐ Please accept payment of the fees due as indicated below:

☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose

☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

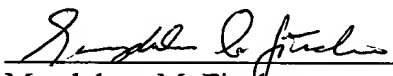
11. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

May 16, 2001

Date


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☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

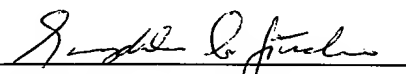
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INFORMATION DISCLOSURE CITATION	Docket Number 01-015	Serial Number Not Yet Assigned
	Applicants WALKER et al.	
	Filing Date May 16, 2001	Group Art Unit Not Yet Assigned

1033 U.S. PTO
09/858458
05/16/01

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	A	Re. 25,600	6/16/64	Goldwater et al.	178	4	
	B	3,222,189	12/07/65	Perrozzi	426	113	
	C	3,573,747	4/06/71	Adams et al	340	172.5	
	D	4,030,632	6/21/77	Harashima	221	150 A	
	E	4,108,361	08/22/78	Krause	235	375	
	F	4,323,770	4/06/82	Dieulot et al.	235	375	
	G	4,494,197	1/15/85	Troy et al.	364	412	
	H	4,500,880	2/19/85	Gomersall et al.	340	825.35	
	I	4,669,730	6/02/87	Small	273	138	
	J	4,677,553	6/30/87	Roberts et al.	364	412	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	K	JP 57086974 A	5/31/82	Japan				
	L	EP 512413	11/11/92	Europe (Abstract)				
	M	JP 5242363	9/21/93	Japan (Abstract)				
	N	WO 97/35441	9/25/97	PCT (Abstract)				
	O	JP 09300730 A	11/25/97	Japan				

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

	P	"CAPE TOWN", Reuters Ltd. Reuters, November 8, 1979.
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EXAMINER

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	Q	4,689,742	8/25/87	Troy et al.	364	412	
	R	4,723,212	2/02/88	Mindrum et al.	364	401	
	S	4,760,247	7/26/88	Keane et al.	235	454	
	T	4,815,741	3/28/89	Small	273	138 A	
	U	4,825,045	4/25/89	Humble	235	383	
	V	4,839,507	6/13/89	May	235	381	
	W	4,854,590	8/08/89	Jolliff et al.	273	138 A	
	X	4,859,838	8/22/89	Okiharu	235	383	
	Y	4,882,473	11/21/89	Bergeron et al.	235	380	
	Z	4,908,761	3/13/90	Tai	364	401	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	AA	WO 97/46961	12/11/97	Europe				
	BB	WO 97/50064	12/31/97	PCT				

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		
	CC	"Save the Mark", Financial Times, Section I, Men & Matters, February 1, 1983 at Pg. 12.

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EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	DD	4,910,672	3/20/90	Off et al.	364	405	
	EE	4,922,522	5/01/90	Scanlon	379	95	
	FF	4,937,853	6/26/90	Brule et al.	379	96	
	GG	4,973,952	11/27/90	Malec et al.	340	825	
	HH	4,982,337	1/01/91	Burr et al.	364	479	
	II	4,993,714	2/19/91	Golightly	273	138	
	JJ	5,056,019	10/08/91	Schultz et al.	364	405	
	KK	5,119,295	6/02/92	Kapur	364	412	
	LL	5,128,862	7/07/92	Mueller	364	405	
	MM	5,132,914	7/21/92	Cahlander et al.	364	478	

FOREIGN PATENT DOCUMENTS								
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							Yes	No

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		
	NN	Cook, Louise, "ConsumerWatch: Clip, Snip, Save", The Associated Press, March 12, 1984.
	OO	Greene, Jan, "Farm bills please assns; National Grocers Association", Capital Cities Media Inc., Supermarket News, December 23, 1985 at Pg. 6, ISSN: 0039-5803.
	PP	"POS spectrum: a lottery looks to POS for growth", UMI Inc.; Banking Information Source, POS News, January 1989, Vol.5., No. 7, at Pg. 8, ISSN: 0896-6230.
	QQ	Kuttner, Robert, "Computers May Turn The World Into One Big Commodities Pit", Business Week, September 11, 1989, Economic Viewpoint Section, Number 3123 at Pg. 17.

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	RR	5,172,328	12/15/92	Cahlander et al.	364	478	
	SS	5,173,851	12/22/92	Off et al.	364	401	
	TT	5,177,342	1/05/93	Adams	235	379	
	UU	5,192,854	3/09/93	Counts	235	375	
	VV	5,201,010	4/06/93	Deaton et al.	382	7	
	WW	5,216,595	6/01/93	Protheroe	364	412	
	XX	5,223,698	6/29/93	Kapur	235	375	
	YY	5,231,569	7/27/93	Myatt et al.	364	408	
	ZZ	5,239,165	8/24/93	Novak	235	375	
	AAA	5,243,515	9/07/93	Lee	364	401	
	BBB	5,245,533	9/14/93	Marshall	364	401	
	CCC	5,262,941	11/16/93	Saladin et al.	364	408	

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							Yes	No

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	DDD	Schrage, Michael, "An Experiment In Economic Theory; Labs Testing Real Markets", Bergen Record Corp., The Record, November 26, 1989 Business Section at Pg. B01.
	EEE	"Let's Play the Cash Register Receipts Lottery", The New York Times, December 25 1990, Section 1 at Pg. 30, Column 4, Editorial Desk.

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EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	FFF	5,274,547	12/28/93	Zoffel et al.	364	408	
	GGG	5,283,731	2/01/94	Lalonde et al.	364	401	
	HHH	5,287,268	2/15/94	McCarthy	364	405	
	III	5,297,031	3/22/94	Guterman et al.	364	408	
	JJJ	5,302,811	4/12/94	Fukatsu	235	381	
	KKK	5,309,355	5/03/94	Lockwood	364	401	
	LLL	5,353,218	10/04/94	De Lapa et al.	364	401	
	MMM	5,353,219	10/04/94	Mueller et al.	364	405	
	NNN	5,380,991	1/10/95	Valencia et al.	235	383	
	OOO	Re 34,915	4/25/95	Nichtberger et al.	364	401	
	PPP	5,420,606	05/30/95	Begum et al.	345	156	
	QQQ	5,459,306	10/17/95	Stein et al	235	383	

FOREIGN PATENT DOCUMENTS

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							Yes	No

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	RRR	Del Rosso, Laura, "Marketel says it plans to launch air fare 'auction' in June; Marketel International Inc.", Travel Weekly, April 29, 1991, Vol. 50, No. 34 at Pg. 1, ISSN: 0041-2082.

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	SSS	5,481,094	1/02/96	Suda	235	383	
	TTT	5,504,475	4/02/96	Houdou et al.	340	825.35	
	UUU	5,510,979	4/23/96	Moderi et al.	364	405	
	VVV	5,572,653	11/05/96	DeTemple et al.	395	501	
	WWW	5,581,064	12/03/96	Riley et al.	235	383	
	XXX	5,592,375	1/07/97	Salmon et al.	395	207	
	YYY	5,592,376	1/07/97	Hodroff	395	214	
	ZZZ	5,602,377	2/11/97	Beller et al.	235	462	
	AAAA	5,611,052	3/11/97	Dykstra et al.	395	238	
	BBBB	5,612,868	3/18/97	Off et al.	364	214	
	CCCC	5,615,269	3/25/97	Micali	380	49	
	DDDD	5,621,640	4/15/97	Burke	395	214	

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OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		
	EEEE	"Philips offers customers financing through Citicorp; Philips Medical Systems North America, Citicorp North America Inc.", Health Industry Today, June 1991, Vol. 54, No. 6 at Pg. 4, ISSN: 0745-4678.

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	FFFF	5,621,201	4/15/97	Langhans et al.	235	380	
	GGGG	5,620,079	4/15/97	Molbak	194	217	
	HHHH	5,632,010	5/20/97	Briechle et al.	345	1	
	IIII	5,664,115	9/02/97	Fraser	705	37	
	JJJJ	5,665,953	9/09/97	Mazzamuto et al.	235	383	
	KKKK	5,724,886	3/10/98	Ewald et al.	99	374	
	LLLL	6,119,099	9/12/00	Walker et al.	705	16	

FOREIGN PATENT DOCUMENTS								
REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation		
						Yes	No	

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		
	MMMM	Pelline, Jeff, "Travelers Bidding On Airline Tickets SF firm offers chance for cut-rate fares", The San Francisco Chronicle, August 19, 1991, Section: News at Pg. A4.
	NNNN	Del Rosso, Laura, "Ticket-biding firm closes its doors; Marketel International; Brief Article", Travel Weekly, March 12, 1992, Vol. 51, No. 21 at Pg. 1, ISSN: 0041-2082.
	OOOO	"Coupons get serious; supermarkets use barcodes to prevent misredemptions", Chain Store Age Executive with Shopping Center Age, October, 1992, Vol. 68, No. 10; at Pg. 68, ISSN: 0193-1199.
	PPPP	"Winn-Dixie/The Salvation Army Report Contributions For War Against Hunger", PR Newswire, June 10, 1993, Financial News Section.

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	QQQQ	Fiorini, Phillip, "No Place For Penny? / Smallest coin doesn't make cents to some", USA Today, July 29, 1994, Section: News at Pg. 1A.	
	RRRR	Smith, Allison, "Survey of UK Consumer Credit and Asset Finance", The Financial Times, November 3, 1994 at Pg. VI.	
	SSSS	Andreoli, Tom et al., "Cash Machines Offer A Whole Lotto Money For Withdrawal...", Crain's Chicago Business, June 19, 1995, Section: News at Pg. 8.	
	TTTT	"Spain: BBV launches new card", Cards International, June 22, 1995 at Pg. 5.	
	UUUU	Knippenberg, Jim, "Psst! Will local radio empires strike back?", The Cincinnati Enquirer, July 23, 1995, Tempo Section at Pg. F01.	
	VVVV	"CYBER BID", Net Fun Ltd., Copyright 1996, Brochure.	
	WWWW	Hadley, Kimberly, "Pastors praying anti-arson effort will burn bias", The Nashville Banner, July 26, 1996, Section: News at Pg. A13.	
	XXXX	Grappier, John, "NatWest reports rise in bad debt", The Financial Times, July 31, 1996, London Edition, Section: News: UK at Pg. 09.	
	YYYY	"Lynx Technology: Lynx to provide business leasing programme through Schroder Leasing", M2 Communications, M2 Presswire, August 9, 1996.	
	ZZZZ	Taylor, Paul, "Towards a dream market", The Financial Times (London), September 4, 1996, Section: Survey - FT IT at Pg. 3.	
	AAAAA	Bonnici, Joseph et al., "Consumer issues in coupon usage: An exploratory analysis", Winter 1996/1997, Vol. 13, No.1 at Pg. 31-40, ISSN: 0892-7626.	
	BBBBB	Singletary, Michelle, "Electronic World, Unchecked Problem? U.S. Move to Paperless Payments Raises Worries About Those Who Don't Use Banks", The Washington Post, March 4, 1997, Financial Section at Pg. C01.	
	CCCCC	Kelsey, John, Schneier, Bruce, "Conditional Purchase Orders", Fourth ACM Conference Computer Communication Security ACM Press, April 1997 at pp. 117-124.	
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		Filing Date May 16, 2001	Group Art Unit Not Yet Assigned
	DDDDD	"Avco Financial Services", National Home Furnishing Association, (http:// www homefurnish com/NHFA/avco htm), download date: May 23, 1997.	
	EEEEEE	"Products And Services: Checkout Direct", Catalina marketing Corporation, (http:// catalinamktg com/prodcdir htm), download date: May 29, 1997.	
	FFFFF	Riordan, Teresa, "Patents; A novel approach to making a better spermicide harks back to some old-fashioned methods", The New York Times, June 9, 1997, Section D at Pg. 2, Column 1.	
	GGGGG	"The key to your identity: Falling costs will allow fingerprint verification to be widely used, reports Geoff Nairn", The Financial Times (London), USA Edition, July 15, 1997, Section: Technology at Pg. 12.	
	HHHHH	"Classifieds2000: The Internet Classifieds, About Us", Classifieds2000 Inc., (http:// www classifieds2000 com), download date: August 6, 1997.	
	IIIII	"General trading floor information reprinted from http:// www Sec gov/consumer/weisk/weisk6 htm ", (http:// www tradingfloor.com/info htm), download date: August 14, 1997.	
	JJJJJ	"NASDAQ", What is NASDAQ?, Information Sheet, (http://home axford com/corfin/corfl1 htm), download date: August 15, 1997.	
	KKKKK	Prochaska-Cue, Kathy, "Acquiring Credit", (http://ianrwww unl edu/IAN/PUBS/NEBFACTS/NF91-2.HTM), download date: September 3, 1997.	
	LLLLL	"ONSALE: Auction Supersite", Welcome to ONSALE, download date: September 8, 1997.	
	MMMMM	"About IAO", Interactive Auction Online, download date: September 8, 1997.	
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	OOOOO	"Progressive Introduces Kitchen Display System (KDS) for Restaurants", PR Newswire, January 23, 1998, Financial News Section.	
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INFORMATION DISCLOSURE CITATION		Docket Number 01-015	Serial Number Not Yet Assigned
		Applicants WALKER et al.	
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